#### **TESTIMONY**

OF

PAUL SCHWAB
DEPUTY ADMINISTRATOR
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
ADMINISTRATION
Public Health Service
U.S. Department of Health and Human Services

#### **BEFORE**

SUB-COMMITTEE ON HEALTH AND THE ENVIRONMENT HOUSE COMMITTEE ON COMMERCE U.S. HOUSE OF REPRESENTATIVES The Honorable Michael Bilirakis, Chair

> Room 2123 House Rayburn Building March 18, 1997

## Introduction

Mr. Chairman and Members of the Subcommittee:

Thank you for this opportunity to talk with you today about minor's access to tobacco and implementation of the Synar regulation. My name is Paul Schwab. I'm the Deputy Administrator for the Substance Abuse and Mental Health Services Administration. Accompanying me today is Mr. Lee Wilson, Director of the Synar Implementation Program, CSAP. We are here to answer your questions, so I will keep my remarks brief.

Let me begin by establishing what we view as the necessary framework for the prevention of youth tobacco use. Reaching the goal of prevention of youth tobacco use requires a comprehensive approach that addresses all aspects of why youth use tobacco and involves all levels of government and all sectors of society. We know this from our experiences out in the field and in countless discussions with federal, state and community leaders.

After reviewing and analyzing efforts that have been made to prevent youth tobacco use, we know that any interventions must address access, availability, and appeal in order to truly be successful. This comprehensive framework is important because, each day, 3,000 kids become regular smokers, and, of these, about 1,000 will eventually die from their tobacco use. We must not assume that there is one magic bullet for preventing these deaths. Everyone has a role to play in addressing access, availability, and appeal.

The role of SAMHSA in this framework is preventing youth access through enforcement of state laws, and we take our role seriously. We have taken numerous steps to ensure that the Synar regulation is implemented fully in a quality fashion and will continue to do so. We understand the impact that such a regulation could have on youth access to tobacco, while recognizing that it is only one part of a comprehensive strategy to prevent youth use of tobacco.

# What the Regulation Requires

The Synar regulation addresses youth access by requiring each state to have in place laws prohibiting the sale or distribution of tobacco products to individuals

under the age of 18 AND to enforce those laws in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under age 18. States must:

- 1) conduct random, unannounced inspections to ensure compliance,
- 2) develop a strategy and time frame for achieving a violation rate of less than 20 percent, and
- submit an annual report detailing the state's activities to enforce their law, overall success, how inspections were conducted, methods for identifying outlets, and plans for future activities.

We are working with the states to provide them with the support they need to facilitate implementation of these requirements.

# Stage of Implementation

We are currently in the third applicable year of implementation for most states. At this point, all states have tobacco laws prohibiting tobacco sales to minors and have submitted their inspection methodologies and sampling designs.

Twenty-five states have negotiated their baseline and target rates, which were due in the state's FY 97 block grant applications. Of those, twenty-three have received

their grant awards. We expect the remainder of the states to have negotiated their rates with the Department by mid-April 1997. A few states have been slow in meeting the compliance requirements, and SAMHSA has worked closely with these states to assist them and has required strict enforcement of the regulation.

### SAMHSA's Role

SAMHSA has taken a number of steps to assist states and provide them with technical assistance to facilitate implementation, including:

- 1) Regular meetings and updates,
- 2) Two technical assistance conferences (2/96 and 11/96) to provide states with guidance and assistance with compliance requirements,
- Three guidance documents on sampling design, inspection methodology, and implementation strategies, and
- 4) Individual contact with those states having difficulty meeting the compliance requirements, and
- 5) Collaboration with other agencies and organizations at the Federal, state, and local level to support enforcement activities.

We recognize the importance of technical assistance and realize the importance of

our role in supporting state efforts.

## Progress Made

In line with what research and experience has told us, states that have actively enforced their laws over the years have reduced their violations rates substantially. We anticipate that the same will hold true as states comply with the Synar regulation. We are seeing successful collaborations within the states between and among law enforcement, health groups, Departments of Health and Substance Abuse. Department of Agriculture, community activists, and retailers. In addition, states have substantially advanced their knowledge and understanding of sampling and monitoring requirements. We expect to reach our ultimate goal of achieving an inspection violation rate of less than 20 percent by the year 2003, and we anticipate that this will facilitate a reduction in the number of youth who use tobacco.

## The Future

We still have a long way to go, however, in fully addressing youth tobacco use. Continued efforts need to be made to understand why youth use tobacco and

take action to eliminate those motivators. We know that adults use tobacco because they are addicted to the product, but the reason youth use tobacco is more complicated. It involves the appeal the product has to youth resulting from advertisements and sponsorship, and it involves the availability of tobacco products to youth through self-service displays and vending machines. The Synar regulation places the responsibility for preventing youth access on the states, but we know that it will take much more than eliminating access to truly prevent youth tobacco use. That's why a comprehensive approach is needed.

## Conclusion

Our years of experience in prevention has taught us that there is no one magic bullet or single approach to preventing youth tobacco use. We know that, in order to truly reduce youth tobacco use, it will take concerted effort and collaboration at all levels of government and in all sectors of society. SAMHSA will continue to provide leadership on this important issue. We welcome the opportunity to be a part of this important prevention effort.

Thank you for your valuable time and your support. Mr. Wilson and I will be

pleased to answer any questions you may have.